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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,152	11/22/2000	Charles P. Siska	00CON113P	3469
25700	7590	08/31/2004	EXAMINER	
FARJAMI & FARJAMI LLP 26522 LA ALAMEDA AVENUE, SUITE 360 MISSION VIEJO, CA 92691			HUISMAN, DAVID J	
			ART UNIT	PAPER NUMBER
			2183	

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/721,152	Applicant(s) SISKA, CHARLES P.	
	Examiner David J. Huisman	Art Unit 2183	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-7, 9-11, 13-21, and 32-34, as set forth in the final rejection.

Claim(s) withdrawn from consideration: _____.

8. ☒ The drawing correction filed on 22 November 2000 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Applicant argues on page 5 of the remarks, in substance that:

"The Examiner directs Applicant's attention to Gupta, Figure 2, components 134 and 136 and column 12, lines 1-3. However, upon review of Gupta it is apparent that components 134 and 136 are simply templates (see column 12, line 20 of Gupta)."

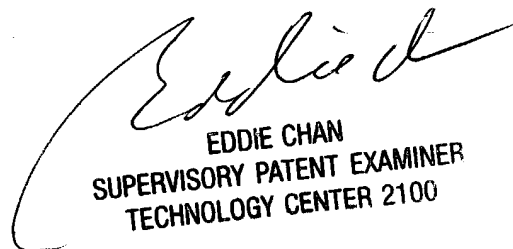
The examiner agrees with applicant's argument and actually states in the final Office Action that nodes 134 and 136 are templates.

Applicant further argues:

"Moreover, column 12, lines 1-3 of Gupta simply state that the overall structure of the if-tree defines how each instruction is built. Gupta does not teach, disclose, or suggest matching a template in a first composite packet to a known template corresponding to one of a plurality of known syntaxes, wherein the plurality of known syntaxes are arranged as a plurality of first level nodes in a tree structure, wherein each of a plurality of second level nodes in the tree structure includes a combination of instruction types, and wherein each of a plurality of third level nodes in the tree structure includes an instruction type. Therefore, Hull and Gupta do not disclose, teach, or suggest the present invention as defined by independent claim 1."

Although fully considered, the examiner has not found this argument to be persuasive for the following reasons:

In Gupta's tree (Fig.2), it is clear that the computer must make a match at the first level in order for it to go to the next level. The only way the computer can get to node 140, for instance, is to first match at node 134. If a match first occurred at node 136, then the computer would not be able to reach node 140. According to the tree, if an instruction has the same template as that in node 134, then the instruction may still correspond to any one of multiple combinations of instructions (as shown in the tree). Therefore, the combination must also be matched at the second level. And, each second level node will correspond to one of multiple third level nodes which represent the type. Clearly, an instruction cannot be of multiple types at the same time and therefore a match must occur.



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